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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR-07-0634 MMC
)	
12 Plaintiff,)	MOTION AND PROPOSED ORDER TO
)	SEAL SUPPLEMENTAL REPORT OF DR.
13 v.)	JULES BURSTEIN IN SUPPORT OF
)	SENTENCING MEMORANDUM
14 DANIEL HICKEY,)	
)	
15 Defendant.)	
)	

16
17 Attorney of record Elizabeth M. Falk now moves this Court to file under seal the
18 enclosed Supplemental Report of Dr. Jules Burstein. This document is a confidential medical
19 report that was disclosed to counsel with the provision that counsel maintain its confidential
20 nature with the Court. As this item should not be placed on the public docket for confidentiality
21 reasons, counsel now moves herein for a Sealing Order.

22 **ARGUMENT**

23 The report enclosed herein contains sensitive and personal information about Mr. Hickey
24 that is traditionally not placed on the public docket. Pursuant to Northern District of California
25 Criminal Local Rule 32-7, said information remains confidential and is only read and utilized by
26 the U.S. Probation Department and the Court. Sealing the record will maintain its confidential

1 nature in accordance with the local rule, and will keep this document out of the public record.
2 Accordingly, undersigned counsel moves for a Sealing Order ensuring that the Supplemental
3 Report of Dr. Jules Burstein remains confidential.

4 **CONCLUSION**

5 Wherefore, Mr. Hickey requests that this Court will grant this motion and order the
6 enclosed document entitled "Supplemental Report of Dr. Jules Burstein In Support of
7 Defendant's Sentencing" to be filed under seal.

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9 Dated: April 22, 2008

10 Respectfully submitted,

11 BARRY J. PORTMAN
12 Federal Public Defender

13 /s/

14 ELIZABETH M. FALK
15 Assistant Federal Public Defender

16 **~~PROPOSED~~ ORDER**

17 For good cause shown, the document entitled "Supplemental Report of Dr. Jules
18 Burstein" to be filed later today ^{by defendant} ~~on April 22, 2008~~, shall be maintained under seal until further
19 order of the Court.

20 IT IS SO ORDERED.

21
22 Dated: April 23, 2008

23 
24 THE HONORABLE MAXINE M. CHESNEY
25 United States District Judge
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